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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,305	01/02/2001	Gen Suzuki	F-6806	5011

7590 01/07/2005  
Jordan and Hamburg  
122 East 42nd Street  
New York, NY 10168

EXAMINER

ONEILL, MICHAEL W

ART UNIT PAPER NUMBER

3713

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/755,305

Applicant(s)

SUZUKI, GEN

Examiner

Michael O'Neill

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Drawings***

Figures 10A and 10B should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The rejection of claims 1, 4, 5 and 9-11 under 35 U.S.C. § 103(a) as being unpatentable over Darrow in view of Hasbro Interactive is maintained from the previous Office action and is incorporated herein.

The rejection of claims 2, 3, 6/1, 6/4 and 6/5 under 35 U.S.C. § 103(a) as being unpatentable over Darrow in view of Hasbro Interactive in further view of Oshima et al. is

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maintained from the previous Office action and incorporated herein.

The rejection of claims 7/6/1, 7/6/2, 7/6/3, 7/6/4 and 7/6/5 under 35 U.S.C. § 103(a) as being unpatentable over Darrow, Hasbro Interactive, Oshima et al. further in view of Stamper et al. is maintained from the previous Office action and incorporated herein.

The rejection of claims 8/6/1, 8/6/2, 8/6/3, 8/6/4 and 8/6/5 under 35 U.S.C. 103(a) as being unpatentable over Darrow, Hasbro Interactive and Oshima is maintained from the previous Office action and incorporated herein.

#### ***Response to Arguments***

Applicant's arguments filed 10-27-04 have been fully considered but they are not persuasive.

First, the Examiner wishes to state on the record that there appears to be an discrepancy between what is the objective of the invention, what appears to be disclosed as the invention and what is being claimed as the invention. For example, the beginning of the instant specification describes as one of the objectives: "It is an object of the present invention to provide a game system which is capable of allowing player's wish to reflect on production of events more effectively than conventional game systems". This statement causes the Examiner

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to reason that the focus of this invention is to permit the generation of events "on the fly" instead of a predetermined order that has been programmed by a game creator. Then the detail description of the invention discloses a fishing game to which the Examiner cannot determine how this game achieves the afterforementioned objective. Finally, in examining the claims, the claims don't reflect upon the disclosed fishing game nor appear to focus on the player having the capability of changing the route "on the fly" as mentioned as an objective of the invention. Clarification and harmonization is requested regarding what the objective of the invention is, the disclosed invention and the claimed invention.

Secondly, with respect to the amended language now present vis-à-vis the presently presented language: one skilled in this art would deem the terms "materialization" and "whether a square emerges visibly or not" as synonymous. This is why the rejection is still maintained and incorporated herein. Furthermore, this seems to be the crux of the Applicant's allegation of patentability and, is thus, unpersuasive.

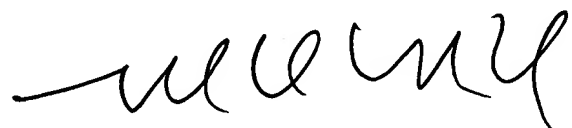
Thirdly, it is respectfully requested that the Applicant amends the claims to remove the multiple dependency. It makes it difficult to determine the metes and bounds of each individual claim.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael O'Neill whose telephone number is 571-272-4442. The examiner can normally be reached on Monday through Friday 8:30 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**MICHAEL O'NEILL  
PRIMARY EXAMINER**

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